



Council Communication

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MARIA S. CADAVID, AICP, CSBA, SENIOR PLANNER *JS*
(480)-503-6812 MARIA.SUNIGA-CADAVID@GILBERTAZ.GOV

THROUGH: LINDA EDWARDS, AICP, PLANNING SERVICES MANAGER, *LE*
(480) 503-6750 LINDA.EDWARDS@GILBERTAZ.GOV

KYLE MIERAS, AICP, DEVELOPMENT SERVICES DIRECTOR,
(480) 503-6705 KYLE.MIERAS@GILBERTAZ.GOV

MEETING DATE: AUGUST 1, 2013

SUBJECT:

- A. GP13-04: REQUEST FOR A MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 150 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WARNER AND HIGLEY ROADS FROM PUBLIC FACILITY INSTITUTIONAL (PF/I) AND RESIDENTIAL >3.5 - 5 DU/AC LAND USE CLASSIFICATIONS TO RESIDENTIAL >2-3.5 DU/AC AND RESIDENTIAL >3.5 - 5 DU/ AC LAND USE CLASSIFICATIONS, AND;
- B. Z13-07: A REQUEST TO AMEND THE MORRISON RANCH PLANNED AREA DEVELOPMENT (PAD) ZONING MAP AND THE DEVELOPMENT STANDARDS BY AMENDING ORDINANCES NOS. 1129, 1232, 1514, 1602, 1705, 1961, 2219 AND 2295 BY REZONING APPROXIMATELY 150 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF HIGLEY AND WARNER ROADS.

STRATEGIC INITIATIVE:**Community Livability**

The proposed applications for a minor General Plan amendment and rezoning of the approximately 150 acres of property within the Morrison Ranch Character Area satisfy the implementation of the unique vision for this Character Area.

LEGAL REVIEW☒ Complete☐ N/A**FINANCIAL REVIEW**☐ Complete☒ N/A**RECOMMENDED MOTION**

- A. MOVE TO ADOPT THE ATTACHED RESOLUTION APPROVING GP13-04; AND**
- B. MOVE TO MAKE THE FINDINGS OF FACT AND ADOPT THE ATTACHED ORDINANCE APPROVING Z13-07.**

BACKGROUND/DISCUSSION**Overview:**

The request for a minor General Plan amendment and rezoning of approximately 150 acres at the northwest corner of Warner and Higley Roads starts the process for the development of the next residential community in Morrison Ranch. Factors that trigger the revisions proposed are: first, the Gilbert School District decided they no longer need the 10-acre elementary school site at this location and second, the proposal redefines the boundaries of the zoning districts and slightly reduces the overall density creating deeper and narrower home lots.

Applicant

Name Morrison Ranch, Inc.
Scott Morrison

Address 3180 East Elliot Road
Gilbert, Arizona 85234

Phone 480-813-8234

Fax: 480-813-8235

Email scmorrison@morrisonranch.com

Owner

Name MBR Land I & II ASU foundation

Address 3180 East Elliot Road
Gilbert, Arizona 85234

Phone 480-813-8234

Fax: 480-813-8235

Email scmorrison@morrisonranch.com

History

November 3, 1998

Town Council adopted Ordinance No. 1129 in rezoning case Z98-13 creating the Morrison Ranch Planned Area Development.

November 16, 1999

The Town Council adopted ordinance No. 1232 in rezoning case Z99-46 which amended setbacks for the residential zoning districts in the PAD.

July 3, 2013

The Planning Commission unanimously voted to recommend to the Town Council approval of GP13-04 and Z13-07.

Project Data**Surrounding Land Use & Zoning Designations:**

	General Plan Land Use	Existing Zoning	Existing Use
On site:	Residential >3.5 – 5 DU/Acre and Public Facility/Institutional (PF/I)	SF-10, SF-8, SF-7, SF-6 and PF/I	Agriculture
North:	Residential >1-2 DU/Acre	SF-15 and SF-35	Circle G at Highlands West
South:	Warner Road then Residential	Warner Road then, Single	Rancho Corona and

	>3.5-5 DU/Acre & Shopping Center (SC)	Family-8 (SF-8) and Shopping Center (SC)	Oasis Family Church
East:	General Commercial (GC)	General Commercial (GC)	Agriculture
West:	Residential >3.5-5 DU/Acre.	SF-35 and SF-10	Greenfield Lakes Parcel 1

Project Data Table

	Proposed Project
Gross Site Area	+/- 150 acres
Existing Land Uses:	Residential >3.5-5 DU/Acre. (Parcel A) and Public Facility Institutional (PF/I).
Proposed Land Uses:	Residential 2-3.5 DU/Acre (Parcel A) and Residential 3.5-5 DU/Acre (Parcel B).
Existing Zoning:	Single Family-10 (SF-10), Single Family-8 (SF-8), Single Family-7 (SF-7), Single Family-6 (SF-6) and Public Facility Institutional (PF/I) with a PAD overlay.
Proposed Zoning :	Single Family-10 (SF-10), Single Family-8 (SF-8), Single Family-7 (SF-7) and Single Family-6 (SF-6) with a PAD overlay.

GENERAL PLAN REQUEST

The General Plan requests the following revisions:

1. Removal of the approximately 10 acres of Public Facility Institutional (PF/I) land use classification because the Gilbert Public School District will not be building a school in the ¼ section at the northwest corner of Higley and Warner Roads per letter by the Gilbert School District, Assistant Superintendent, addressed to Scott Morrison and dated February 5, 2013.
2. Reconfigure current parcels A and C to create two (2) new parcels A (93 acres) of Residential >2-3.5 DU/Ac and B (56.5 acres) of Residential >3.5-5 DU/Ac respectively.

Staff supports the minor General Plan amendment to remove the acreage for the school district that no longer needs the site at this location and also the reconfiguring of the boundaries of the land use classifications Residential > 3.5-5 DU/Ac. The second land use classification is of a lower density, Residential >2-3.5 DU/Ac, creating a transition to the lower land use designation to the north and to Greenfield Lakes to the west.

REZONING REQUEST

Rezoning (Z13-07): The proposed request to amend the approximately 150 acres of the Morrison Ranch PAD to be known as the Warner Groves subdivision consists of:

1. Reconfiguring the boundaries and acreage of parcels B (SF-8) by increasing its size by 4.7 acres
2. Squaring and reducing the size of parcel C (SF-7) by 2.7 acres; and,
3. Reconfiguring the boundaries of parcel D (SF-6) incorporating the acreage from the removed school site for a total of 56.5 acres.
4. The zoning request also proposes:
 - o To increase the depth of all lots in the zoning districts requested from minimum dimensions established by ordinance No 1129 (Z98-13).

- To reduce the width for the lots in the SF-7 districts by 5' (60' x 125') instead of 65' x 100'-110' per Ordinance No. 1129 in Z98-13 or as required by the LDC.
- To reduce the side setbacks for the SF-6 and SF-7 zoning designations as required by Ordinance No. 1232 in Z99-46 by 5'. The 5' and 10' side setbacks requested comply with current side setbacks for these zoning districts in the Land Development Code.
- To increase the maximum lot coverage for all the requested zoning districts (SF-10, SF-8, SF-7 and SF-6) by 5% from 45% to 50%.

Staff supports the rezoning to amend the approximately 150 acres and reconfigure parcels and acreage distribution for the various zoning districts. In addition, staff supports the proposed deviations from specific ordinance No. 1232 (Z99-46) that established the development standards for the Morrison Ranch PAD. Some of the deviations such as the reduced side setbacks for the SF-6 and SF-7 zoning districts are justified by the current standards in the Land Development Code for the corresponding districts.

In regards to increasing the lot coverage by 5% for all the zoning districts, the Planning Commission and staff recommend to use it as provided in the Land Development Code, that is for open air accessory structures, open air attached patios, and open air porches per new terminology already defined in the Glossary of General Terms in the Code (Ordinance No. 2433).

The Resolution and draft Ordinance were reviewed for form by Attorney Phyllis Smiley.

PUBLIC NOTIFICATION AND INPUT

The applicant held a neighborhood meeting on Tuesday February 19, 2013 at 6:00 p.m. in the Farm Bureau building that was attended by the applicant and his development partners and seventeen (17) property owners from Circle G Highlands West and Greenfield Lakes. Questions by the attendants included the dimensions and character of the open space buffer along the north and west boundaries of the project, lot sizes, types of amenities, builders and housing product as well as specific landscape questions.

Prior to the Planning Commission hearing of July 3, 2013 staff was contacted by three (3) residents in Greenfield Lakes who have concerns on the durability of the existing party wall due to irrigation required by the wide green belt (turf) along the western boundary of the property, type of houses (single or 2-tory) and distance of those to their backyards.

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town. At this time staff has received no further comment from the public.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

SCHOOL DISTRICT COMMENTS

The Assistant Superintendent of the Gilbert School District issued a letter addressed to Scott Morrison and dated February 5, 2013 stating the District will not be building a school in the ¼ section at the northwest corner of Higley and Warner Roads.

FINANCIAL IMPACT

The Applicant will be working in conjunction with the CIP team to coordinate implementation of off-site improvements and in compliance with the approved Development Agreement.

STAFF RECOMMENDATION

- A. Approve GP13-04 a minor General Plan Amendment to change the land use classifications; and
- B. Make the Findings of Fact and adopt an ordinance for Z13-07, subject to the conditions in the draft ordinance.

Respectfully submitted,



Maria S. Cadavid, AICP, CSBA
Senior Planner

Attachments:

- 1. Notice of Public Hearing
- 2. Current General Plan
- 3. Draft Resolution
 - Exhibit 1- Legal Description
 - Exhibit 2 - General Plan Map
- 4. Current Zoning Districts
- 5. Findings of Fact
- 6. Draft Zoning Ordinance
 - Exhibit 1 - Legal Description
 - Exhibit 2 - Zoning Exhibit
 - Exhibit 3 - Development Plan Warner Groves (Exhibit 6 of the Morrison Ranch PAD)
- 7. Minutes of the Planning Commission – July 3, 2013

Notice of Public Hearing

Wednesday, July 3, 2013* TIME: 6:00 PM

Thursday, August 1, 2013* TIME: 7:00 PM

Case #: GP13-04 / Z13-07

Attachment 1: Notice of Public Hearing

August 1, 2013

August 1, 2013

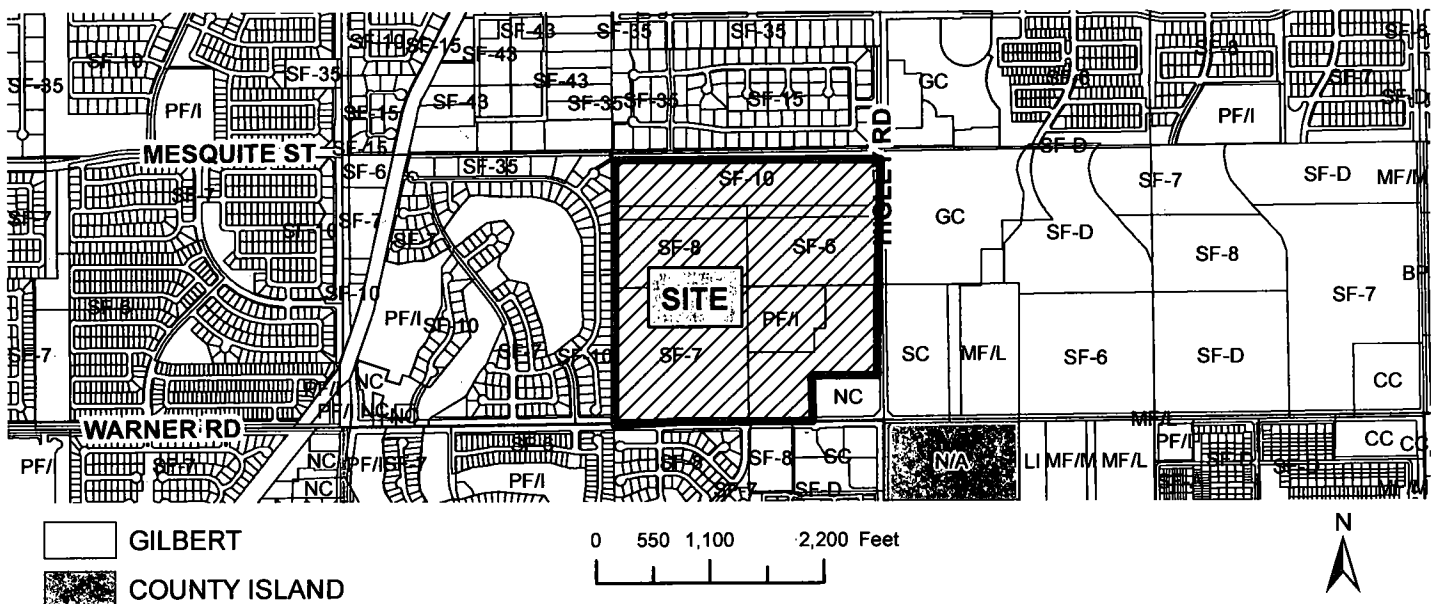
REQUESTED ACTION:

GP13-04: Request for a Minor General Plan amendment to change the land use classification of approximately 150 acres of real property generally located at the northwest corner of Warner and Higley Roads from 10 acres of Public Facility Institutional (PF/I) and 139.5 acres of Residential >3.5 - 5 DU/Ac land use classifications to 93 acres of Residential >2-3.5 DU/Ac and 56.5 acres of Residential >3.5 - 5 DU/ Ac land use classifications, as shown on the exhibit which is available for viewing in the Planning and Development Services Office. The effect of this amendment will be to remove the Public Facility Institutional (PF/I) acreage and lower the overall density of the property.

213-07 An amendment to the Morrison Ranch Plan Area Development (PAD) by amending Ordinances Nos. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295 and rezone approximately 150 acres of real property within the Morrison Ranch Planned Area Development (PAD) and generally located at the northwest corner of Higley and Warner Roads from approximately 33 acres of Single Family-10 (SF-10), 22.1 acres of Single Family-8 (SF-8), 35.9 acres of Single Family-7 (SF-7), 48.5 acres of Single Family-6 (SF-6) and 10 acres of Public Facility Institutional (PF-I) zoning districts, all with a Planned Area Development overlay zoning district to approximately 33 acres of Single Family -10 (SF-10), 26.8 acres of Single Family-8 (SF-8), 33.2 acres of Single Family-7 (SF-7) and 56.5 acres of Single Family-6 (SF-6) zoning districts, all with a Planned Area Development overlay zoning district as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office, and to amend conditions of development in the Morrison Ranch PAD as follows: reduce the lot width in the SF-7 zoning district; increase the lot depth in the SF-6, SF-7, SF-8 and SF-10 zoning districts; and increase maximum lot coverage in the SF-6, SF-7, SF-8 and SF-10 zoning districts. The effect of this rezoning will remove a previously designated school site, increase the acreage of Single Family-6 (SF-6) zoning, reconfigure boundaries of the Single Family7 (SF-7) and Single Family-8 (SF-8) zoning districts, and increase the permitted lot coverage in the residential zoning districts within the rezoning area.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

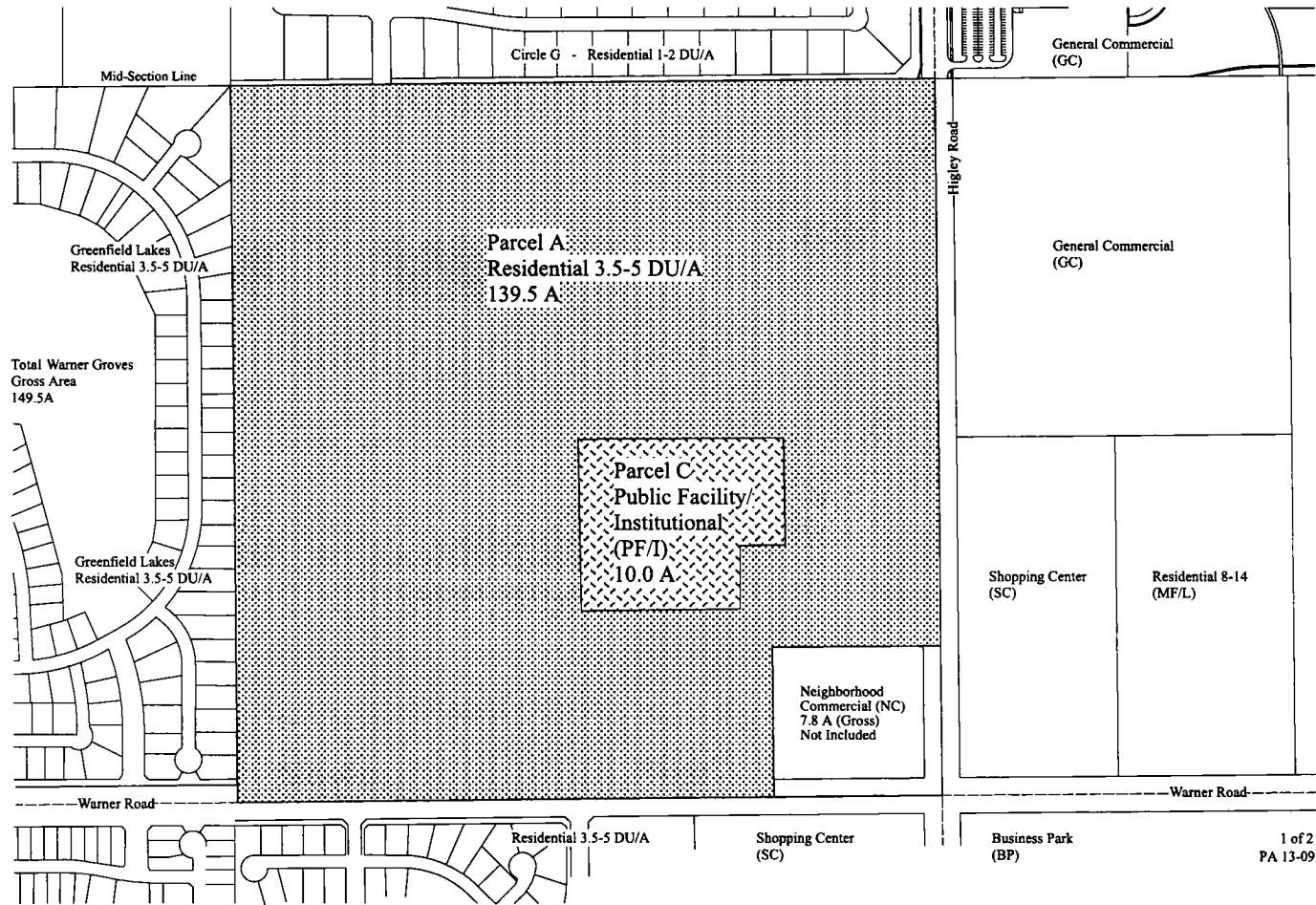
SITE LOCATION:



TELEPHONE: (480) 813-8234

FAX: (480) 831-8235

E-MAIL: scmorrison@morrisonranch.com

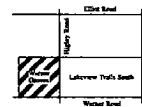


Graphic Scale in Feet

Scale: 1" = 200'



March 14, 2013



Morrison Ranch Inc.
3180 East Elliot Road
Gilbert, AZ 85234

Attention: Mr. Scott Morrison

1 of 2
PA 13-09

Case #: GP13-04 / Z13-07
Attachment 2: Current General Plan
August 1, 2013

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE GILBERT GENERAL PLAN LAND USE MAP AS DESCRIBED IN CASE GP13-04 WARNER GROVES AT MORRISON RANCH, FOR APPROXIMATELY 150 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WARNER AND HIGLEY ROAD, BY CHANGING THE LAND USE CLASSIFICATION FROM 10 ACRES OF PUBLIC FACILITY INSTITUTIONAL(PF/I) AND 139.5 ACRES OF RESIDENTIAL >3.5 - 5 DU/AC LAND USE CLASSIFICATIONS TO APPROXIMATELY 93 ACRES OF RESIDENTIAL >2-3.5 DU/AC AND 56.5 ACRES OF RESIDENTIAL >3.5 - 5 DU/ AC LAND USE CLASSIFICATIONS; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS.

WHEREAS, Gilbert has solicited and received public input regarding the proposed amendments to the General Plan through notice and public hearings as required by law; and

WHEREAS, the Common Council has received a recommendation from the Town of Gilbert Planning Commission regarding the proposed land use map change;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the Town of Gilbert, Arizona, that the Land Use Map of the General Plan of the Town of Gilbert, Arizona, is hereby amended for approximately 150 acres of real property generally located at the northwest corner of Warner and Higley Roads, as described in the legal description, Exhibit 1, changing the land use classification from approximately 10_ acres of Public Facility Institutional (PF/I) and 139.5 acres of Residential >3.5-5 DU/Ac land use classifications to approximately 93 acres of Residential >2-3.5 DU/Ac and 56.5 acres of Residential >3.5-5 DU/Ac, as shown on the General Plan Exhibit (map), Exhibit 2, both of which are attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

PASSED AND ADOPTED by the Common Council of the Town of
Gilbert, Arizona, this 1st day of August, 2013.

John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Michael E. Hamblin, Town Attorney

The following exhibits are attached hereto and incorporated herein:

Exhibit 1: Legal Description
Exhibit 2: General Plan Map

**Legal Description
Warner Groves Residential**

Job No. 13-012

May 10, 2013

A portion of the Southeast Quarter of Section 15, Township 1 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at a brass cap in a hand hole, at the southeast corner of said Section 15; thence S89°23'36"W (an assumed bearing), along the south line of the Southeast Quarter of said Section 15, for a distance of 2605.14 feet to a brass cap in a hand hole, at the south quarter corner of said Section 15; thence N00°21'55"W, along the west line of the Southeast Quarter of said Section 15, for a distance of 2635.11 feet to a ¾" pipe at the center of said Section 15; thence N89°26'42"E, along the north line of the Southeast Quarter of said Section 15, for a distance of 2599.72 feet to a flush brass cap at the East Quarter corner of said Section 15; thence S00°28'59"E, along the east line of the Southeast Quarter of said Section 15, for a distance of 2632.76 feet to the POINT OF BEGINNING;

EXCEPT the following:

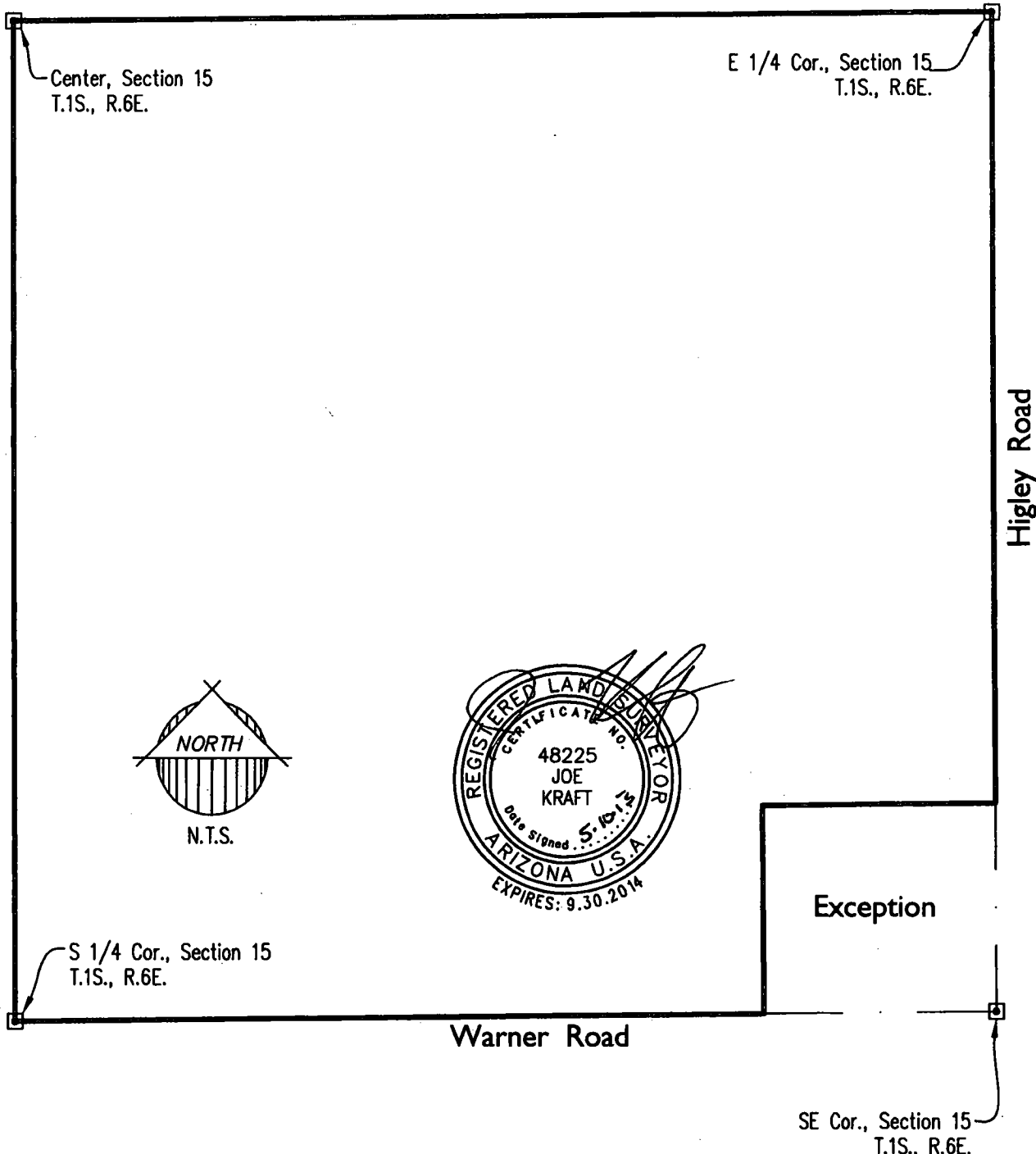
A portion of the Southeast Quarter of Section 15, Township 1 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:


BEGINNING at a brass cap in a hand hole, at the southeast corner of said Section 15 from which a to a brass cap in a hand hole, at the south quarter corner of said Section 15 bears thence S89°23'36"W (an assumed bearing) for a distance of 2605.14 feet; thence S89°23'36"W, along the south line of the Southeast Quarter of said Section 15, for a distance of 620.02 feet; thence N00°36'24"W for a distance of 549.00 feet to a point on the north line of the south 549 feet of the Southeast Quarter of said Section 15; thence N89°23'36"E, along said north line, for a distance of 621.20 feet to a point on the east line of the Southeast Quarter of said Section 15; thence S00°28'59"E, along said east line, for a distance of 549.00 feet to the POINT OF BEGINNING;

An area containing 6,513,877 square feet or 149.5380 acres, more or less.



Ex: 9.30.14



13-012	Project: Warner Groves Residential	 Geps group, Inc. Engineers, Planners & Surveyors 2045 S. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 503-2250 Fax (480) 503-2250
	Exhibit	

Roadway Classifications

Higley Road* - TOG Major Arterial (70' half street R/W, striped median centered on M/L, 3 travel lanes, bike lane).

Warner Road - TOG Major Arterial (70' half street R/W, raised median centered on M/L, 3 travel lanes, bike lane).

Bloomfield Parkway - 114' full street section (37.5' R/W, 39' tract/center median, 37.5' R/W), 2 travel lanes (each 22' B/C-B/C).

N/S Streets - 60' full street R/W, 32' B/C-B/C, 2 travel lanes.

Frontage Street - 39' full street R/W, 25' B/C-B/C, 2 travel lanes.

Residential Streets - 54' full street R/W, 32' B/C-B/C, 2 travel lanes.

*Note - Raised median on Higley will be constructed with the east half street improvements.

Gross and Net Percent

Current General Plan	Gross Acres	Net Acres
Parcel A	93.3%	93.0%
Parcel C	6.7%	7.0%
	100.0%	100.0%

Proposed General Plan

Parcel A	62.2%	63.0%
Parcel B	37.8%	37.0%
	100.0%	100.0%

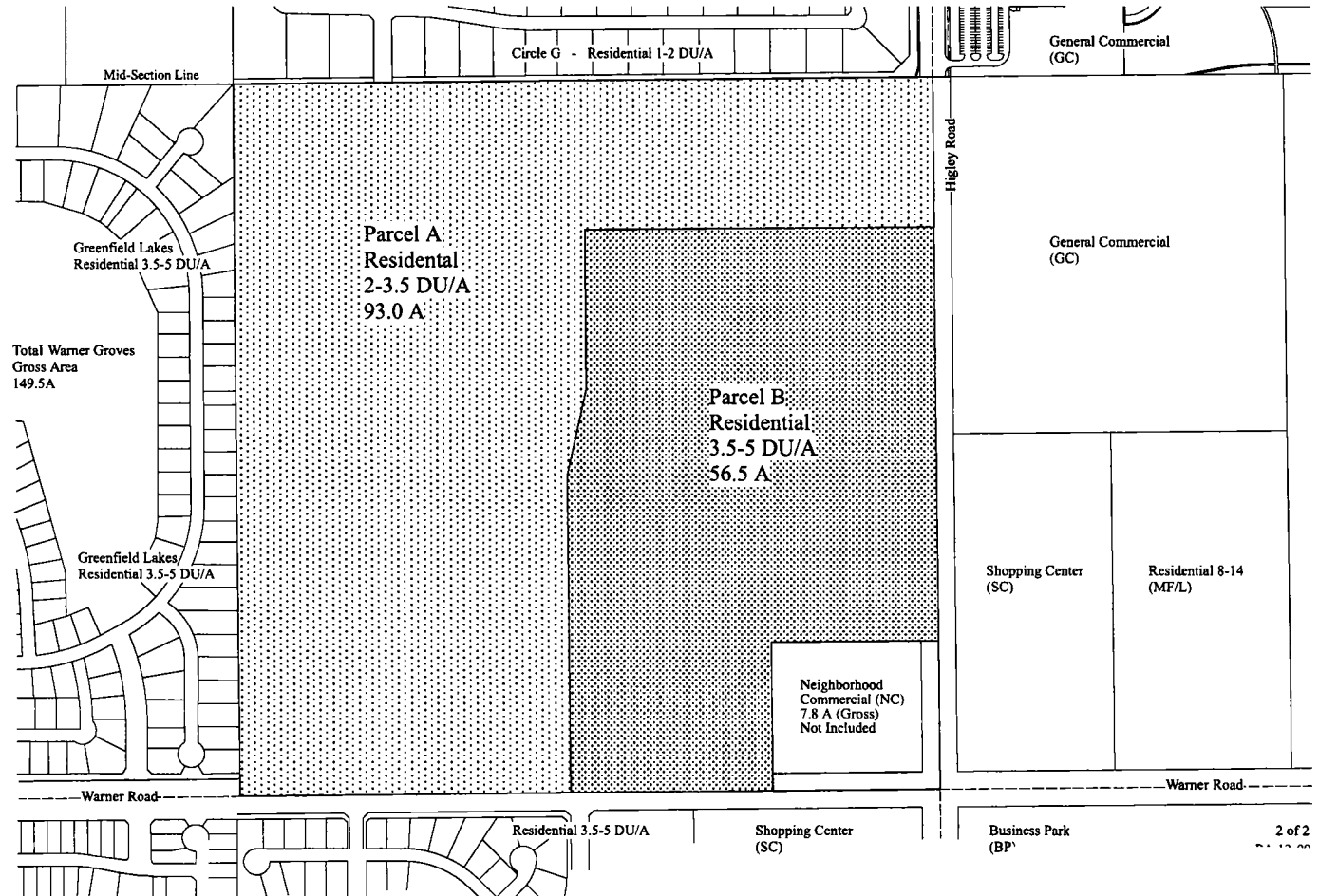
Gross and Net Acres

Current General Plan	Gross Acres	Net Acres
Parcel A	139.5	133.0
Parcel C	10.0	10.0
	149.5	143.0

Proposed General Plan

Parcel A	93.0	90.1
Parcel B	56.5	52.9
	149.5	143.0

Gross extends the area to the center of the arterial road.
Net excludes the Gross Area right-of-way



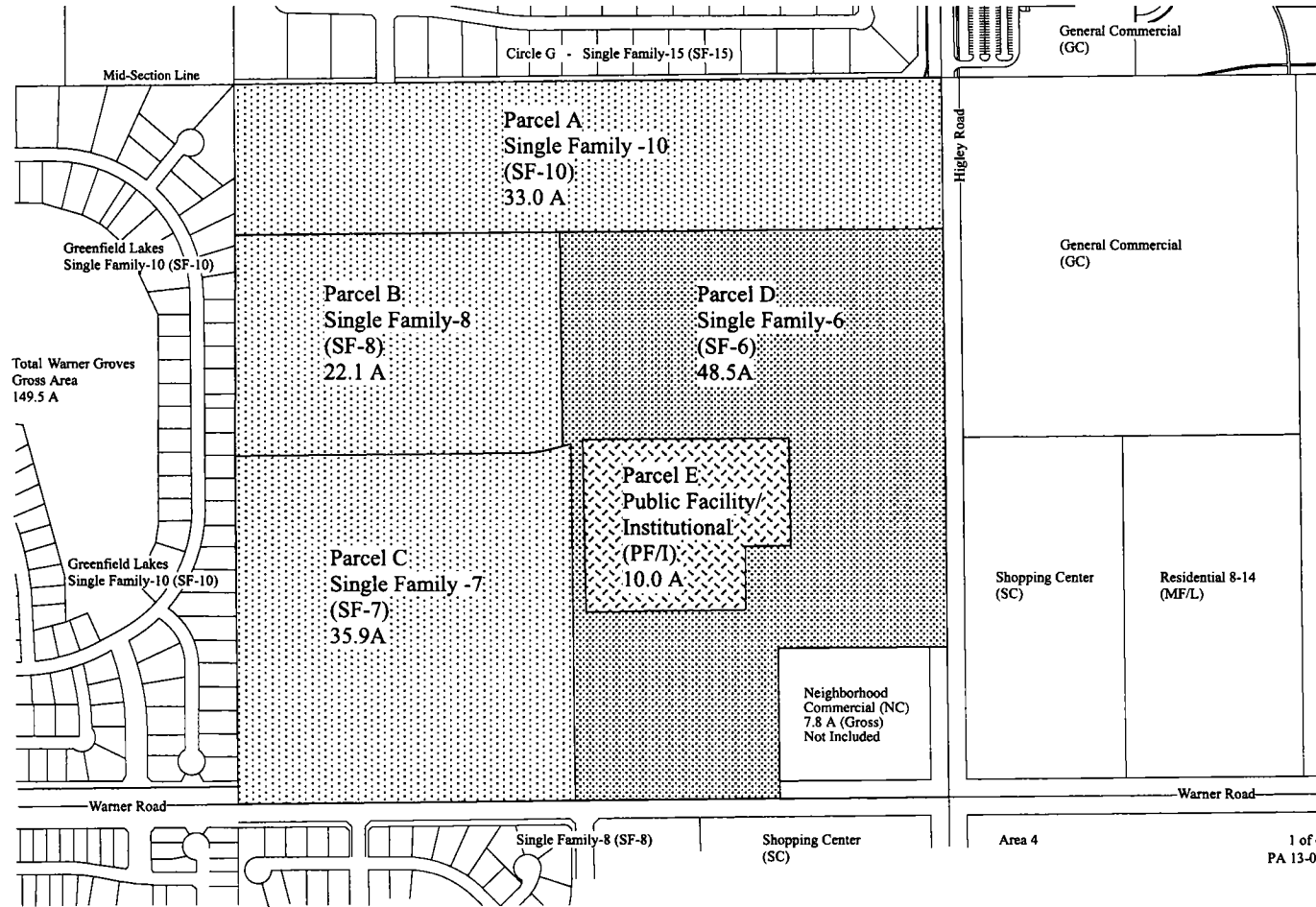
Graphic Scale in Feet Scale: 1" = 200'

March 14, 2013



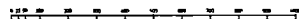
Morrison Ranch Inc.
3180 East Elliot Road
Gilbert, AZ 85234

Attention: Mr. Scott Morrison

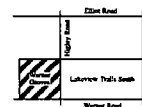


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March 14, 2013



Morrison Ranch Inc.
 3180 East Elliot Road
 Gilbert, AZ 85234

Attention: Mr. Scott Morri

Area 4

1 of 4
 PA 13-09

FINDINGS OF FACT

Z13-07 – WARNER GROVES AT MORRISON RANCH

1. The proposed zoning amendment conforms to the Morrison Ranch Character Area in the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GILBERT BY AMENDING ORDINANCES NO. 1129, 1232, 1514, 1602, 1705, 1961, 2219, AND 2295 PERTAINING TO THE MORRISON RANCH PLANNED AREA DEVELOPMENT BY REZONING APPROXIMATELY 150 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF HIGLEY AND WARNER ROADS, IN ZONING CASE Z13-07, FROM APPROXIMATELY 33 ACRES OF SINGLE FAMILY-10 (SF-10), 22.1 ACRES OF SINGLE FAMILY-8 (SF-8), 35.9 ACRES OF SINGLE FAMILY-7 (SF-7), 48.5 ACRES OF SINGLE FAMILY-6 (SF-6), AND 10.0 ACRES OF PUBLIC FACILITY/ INSTITUTIONAL (PF/I) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT TO APPROXIMATELY 33 ACRES OF SINGLE FAMILY-10 (SF-10), 26.8 ACRES OF SINGLE FAMILY-8 (SF-8), 33.2 ACRES OF SINGLE FAMILY-7 (SF-7), AND 56.6 ACRES OF SINGLE FAMILY-6 (SF-6) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; AND BY AMENDING CONDITIONS OF DEVELOPMENT AS FOLLOWS: INCREASE THE LOT DEPTH, REDUCE LOT WIDTH IN THE SF-7 ZONING DISTRICT; AND REDUCE SIDE SETBACKS IN THE SF-6 AND SF-7 ZONING DISTRICTS; AND RESTATING AND INCORPORATING THE PROVISIONS OF ORDINANCES NO. 1129, 1232, 1514, 1602, 1705, 1961, 2219 AND 2295 HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, by adoption of this Ordinance, the Town of Gilbert Town Council desires to rezone certain parcels and amend conditions of development relating to the development of certain parcels within the Morrison Ranch Planned Area Development (PAD), pursuant to the Town of Gilbert Zoning Code requirements for a Planned Area Development, to modify base zoning district regulations to implement policies in the General Plan, and permit unique or mixed-use development; and

WHEREAS, the Town Council has determined that this amendment to the Zoning Map and the Planned Area Development conditions of development conforms with the Town of Gilbert General Plan, as amended, any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Morrison Ranch PAD was created by Ordinance No. 1129 and amended by Ordinances No. 1232, 1514, 1602 pursuant to the provisions of the Town of Gilbert Unified Land Development Code, which was repealed February 1, 2005; and

WHEREAS, pursuant to the adoption of the Town of Gilbert Land Development Code and the Official Zoning Map, the underlying zoning classifications of the Morrison Ranch PAD were amended to Community Commercial (CC), Single Family-6 (SF-6), Single Family Detached (SF-D), Multi-Family Medium (MF-M) and Public Facility/Institutional (PF/I); and

WHEREAS, the Morrison Ranch PAD was further amended by Ordinances No. 1705, 1961, 2219, and 2295 pursuant to the provisions of the Town of Gilbert Land Development Code; and

WHEREAS, that certain documents entitled Exhibit 6: Zoning Exhibit for Warner Groves at Morrison Ranch, dated August 1, 2013 and Exhibit 7: Development Plan for Warner Groves at Morrison Ranch, dated August 1, 2013, amending the Morrison Ranch PAD are attached hereto and incorporated by this reference.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

1. The Official Zoning Map of the Town of Gilbert, Arizona, is hereby amended by amending Ordinances No. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295 relating to the Morrison Ranch PAD by changing the zoning classification of real property consisting of approximately 150 acres located at the northwest corner of Higley and Warner Roads (the "Property"), as described in the legal description, Exhibit 1, and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated by reference herein, from approximately 33.0 acres of Single Family-10, 22.1.0 acres of Single Family-8 (SF-8), 35.9 acres of Single Family-7 (SF-7), 48.5 acres of Single Family-6 (SF-6) and 10.0 acres of Public Facilities/Institutional (PF/I) zoning districts, all with a Planned Area Development Overlay Zoning District, to approximately 33.0 acres of Single Family-10 (SF-10), 26.8 acres of Single Family-8 (SF-8), 33.2 acres of Single Family-7 (SF-7), and 56.5 acres of Single Family-6 (SF-6) zoning districts, all with a Planned Area Development Overlay Zoning District.

2. Ordinances No. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 1195 relating to the Morrison Ranch PAD are amended Exhibit 3 to the ordinance, which is Exhibit 6 to the Morrison Ranch PAD Development Plan, which is attached hereto and incorporated herein, and making that Exhibit part of the Development Plan for the Morrison Ranch PAD, as set forth in or attached to Ordinances No. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295, to read as follows:

Exhibit 3: EXHIBIT 6 to the Morrison Ranch PAD Development Plan:
Development Plan for Warner Groves at Morrison Ranch, dated August 1, 2013.

3. Ordinance Nos. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295, relating to the Morrison Ranch PAD, are further amended by restating and amending the development conditions for which development of the Property is conditioned, as set forth below (additions shown in ALL CAPS, deletions shown in ~~strikeout~~). All development shall be done in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

- a. Dedication to the Town of the following segments of arterial roads that are adjacent to or within the Project. Said dedications shall be completed at the time of final plat recordation, or as requested by the Town Engineering Department:
 1. Power Road, 65 feet from centerline, except dedication of 75 feet from the centerline, shall be required for that portion of Power Road one-quarter mile north and south of Elliot Road and north of Warner Road;
 2. Recker Road, to the full width of 130 feet;
 3. Higley Road, to the full width of 130 feet;
 4. Elliot Road to the full width of 130 feet; and
 5. Warner Road, 65 feet from centerline.
- b. Construction of all the required off-site improvements to the above arterial roads that are adjacent or within the Project shall be completed at the same time as construction of any portion of the Project or in accordance with a phasing plan adopted by Council as described in paragraph "c" below. Improvements shall include paving, sidewalks, utility extensions, water and wastewater lines.
- c. Phasing of any required arterial or collector roadways, or other off-site improvements, may be allowed if approved by the Town Council as a part of a phasing plan.
- d. Developer shall execute a petition to create a streetlight improvement district for the public collector and local streets within and adjacent to the Project as set forth in the Development Plan.
- e. Developer shall cause to be prepared and receive staff approval of a master wastewater plan at the time of the Preliminary Plat review of any portion or phase of the Project.

- f. Developer shall install/construct at its cost all drainage, sewer, water, reclaimed water uses, and reclaimed water reservoir improvements in accordance with the Town requirements in conjunction with the development of the Project.
- g. Mounding and contouring of landscaped areas at the arterial intersection shall be required. No more than 50% of the landscaped areas fronting the arterial streets shall be designated as a retention basin design prior to any final plat.
- h. Prior to the issuance of any permit, a comprehensive open space and pedestrian & equestrian trail plan shall be submitted for the Design Review Board's consideration and approval, which will address the location of open space/pedestrian links and amenities, as well as the proposed perimeter fencing within the Project. These plans shall be provided to ensure the open space linkages and amenities are made as is the stated intent of the Project; and to ensure adequate open space recreation facilities for the population of the Project.
- i. All open space irrigation systems shall be installed in accordance with the reclaimed water specifications and standards. Irrigation with reclaimed water shall commence once reclaimed water becomes available to the Project and in accordance with said standards.
- j. Developer shall provide ramadas, sport courts, picnic tables, tot lots, and Bar B-Q grills subject to the review and approval of the Planning Department for location and design prior to the final plat approval.
- k. Seventy-five (75%) percent of the total required open space area shall contain active recreational uses, subject to the review and approval of the Design Review Board.
- l. Developer shall create an HOA for the maintenance of all landscaping and improvements within the open spaces and collector and arterial street rights-of-way as shown on the Master Plan of the Morrison Ranch Narrative Report.
- m. The underlying residential zoning of the Project shall be ~~C-1, I-B, I-1, I-2, E-R, R1-43, R1-35, R1-20, R1-10, R1-8, R1-7, R1-5, and R-3NC~~, CC, BP, LI, GC, SF-43, SF-35, SF-15, SF-10, SF-8, SF-7, SF-6, SF-D, MF-L, PF/I in conformance with the Town's Code requirements for said districts, except as modified by this Ordinance and the Morrison Ranch Narrative Report.

- n. The underlying zoning district for school and fire station sites shall be ~~PF/OS (Public Facility and Open Space)~~ PUBLIC FACILITY/ INSTITUTIONAL (PF-I).
- o. Development within the ME, MC and C land use designations shall comply with Commercial/Industrial Design Guidelines in effect upon development of parcels in those areas.
- p. Development within the MH land use designation shall comply with Residential Design Guidelines in effect upon development of parcels in those areas.
- q. A minimum of 10' side yard setback and 20' rear yard setback shall be maintained for R1-8SF-8, R1-7SF-7, SF-6, and R1-5SF-D lots. The minimum lot width for R1SF-8 shall be 70 feet.
- r. ~~Lots backing onto arterial streets or commercial uses shall be subject to the increased rear yard setback of: 1-story = 25', 2-story = 35', unless adjacent to a landscape tract. Lots siding onto arterial streets or commercial uses shall be subject to the increased side yard setback of 15 feet, unless adjacent to a landscape tract.~~DELETED.
- s. Side yards shall meet the "clear zone" requirements of Ordinance No. 803, as modified.
- t. Residential streets may have amended standards as described in the Morrison Ranch Narrative Report with 6 foot sidewalks on arterials.
- u. All subdivided lots shall provide adequate space to accommodate a minimum 8 x 10 foot (80 sq. ft., minimum dimension of 8 feet) covered patio within the required setbacks.
- v. A minimum of twenty foot (20') wide landscape tracts shall be established along all arterial streets between the arterial street right-of-way and the residential lot lines.
- w. A minimum of ten foot (10') wide landscape tract shall be installed along the sides of lots siding onto residential streets. Said landscape tract shall be located between the back of curb or sidewalk and the lot line of the lot.
- x. A minimum of fifteen (15) foot wide side yard setback shall be provided, exclusive of landscape easements, where lots side onto an arterial street or commercial site.

- y. A minimum of fifteen foot (15') wide maintained landscape easement or tract shall be created on both sides of the main entrance drives to the subdivision between the right-of-way and the lot lines.
- z. The front yard setbacks shall be staggered a minimum of five (5) feet such that no more than two adjacent homes have the same setback.
- aa. Monumentation design, landscape buffer zone, perimeter wall design, and open space program for the project shall be reviewed by the Design Review Board prior to Council approval of any final plat.
- bb. A one foot non-vehicular access easement and fence easement shall be created where required by the Subdivision Code.
- cc. Entry monument signs shall be integrated in to the design of the perimeter wall and provide character to the entryway to the Project.
- dd. Residential units, which are on lots of 15,000 square feet or less proposed for development within the Project, shall receive review and approval by the Design Review Board prior to the issuance of a building permit.
- ee. Developer shall improve all of the open space tracts within the subject property and along the perimeter of the Project in compliance with the Town's standards, except as modified by the Morrison Ranch Narrative Report.
- ff. Perimeter/right-of-way improvements along arterial streets shall be installed in compliance with the Town streetscape design theme and guidelines, except as modified by the Morrison Ranch Narrative Report, subject to the review and approval of the Planning Department.
- gg. Prior to Council action on final plats, the applicant shall meet all of the Engineering Department requirements, except as modified by the engineering requirements described in the Narrative Report.
- hh. Site plan approval shall be required for the parcels zoned multi-family, commercial and industrial through the Planning Commission, Design Review Board, and Town Council prior to the issuance of a building permit.
- ii. All residential parcels shall receive preliminary plat approval through the Town of Gilbert Planning and Zoning Commission and Town Council per current town standards, except as modified by the Morrison Ranch Narrative Report, at the time of preliminary plat submittal.

- jj. Landscaping at the main entrances shall make a distinctive statement and create a sense of arrival for the Project.
- kk. Mature landscaping, 36" box in size or greater, shall be provided at the arterial intersections.
- ll. Hardscape and screening wall concepts shall be reviewed by the Design Review Board at the time of final plat approval for any part of the Project.
- mm. For residential developments east of Higley Road, an Avigation Easement and release pertaining to ~~Williams~~PHOENIX-MESA Gateway Airport shall be executed by Developer and recorded by the Town concurrently with the recordation of each final subdivision plat or, if applicable, within ten days of approval of any final site plan. No building permit shall be issued for a residential use until the Avigation Easement and Release has been recorded. Developer or Developer's successor shall provide written notice to initial purchasers or subdivided lots, with an acknowledgment that the notice was received, that the Project is within five miles of ~~Williams~~PHOENIX-MESA Gateway Airport.
- nn. The construction, alteration, moving, partial demolition, repair and use of any building or structure shall comply with the Sound Attenuation Standards, as referenced in the WRPS Appendix, in order to achieve an exterior to interior Noise Level Reduction (NLR) of 20 decibels. Some flexibility may be achieved, as reference in Section 105 of the 1991 Uniform Building Code (UBC).
- oo. Except for lots within parcels designated R1-5SF-D*, all arterial street reverse frontage lots shall be a minimum of 130 feet deep. Side yards shall meet the "clear zone" requirements of Ordinance No. 803, as modified.
- pp. The minimum lot area for lots within parcels designated R1-7SF-6 AND SF-7* lots shall be 6,000 square feet and the minimum lot width for lots within parcels R1-7SF-6 AND SF-7* shall be 60 feet.
- qq. Lots within zoning districts designated R1-5SF-D* shall be developed in conformance with the preliminary plat in which the R1-5SF-D* zoning district is included in accordance with the following standards:
 - The site plan shall be submitted for review by the Planning Commission, Design Review Board and Town Council and shall conform to Article IX, Site Plan Review.

- A minimum of 20% open space, or an acceptable alternative amenity package combining open space, within and in close proximity of R4-SSSF-D* parcels, with features such as swimming pools, community centers, fitness centers or interpretive centers, shall be provided.
 - Written designation of responsibility for ownership and maintenance of common driveways, open spaces and commonly owned areas associated with each clustered group of single family units shall be executed.
 - The height of buildings shall neither exceed thirty (30) feet, nor two stories.
 - There shall be a minimum ten (10) foot separation between dwelling units in all directions.
 - Accessory structures shall be setback a minimum of five (5) feet from the side or rear property line. No accessory structures shall be allowed in the front yard.
 - The main building and accessory buildings on a lot shall not occupy more than 50% for two-story and 60% for single-story.
 - No Lot shall have a net lot area less than three thousand (3000) square feet.
- rr. Developer for a period of one year, after recording the final subdivision plat, in which the fire station site will be located, shall reserve a 2-acre site for fire station purposes pursuant to A.R.S. section 9-463.01(D). Developer and Town shall agree on the location of the site prior to the approval of the preliminary plat in which the fire station is to be located.
- ss. Developer for a period of ten years from the date the first preliminary plat on the Project is approved shall reserve the area of land described in the Development Plan for the acquisition by the Gilbert Unified School District as a school site, pursuant to A.R.S. Section 9-463.01(D).
- tt. At the time of the final plat approval for the properties directly adjacent to the Sawyer Estates and Greenfield Lakes subdivisions, Developer shall dedicate a 30 foot trail system along the western edge, abutting said Sawyer Estates and Green field Lakes subdivisions, to be maintained by the master homeowners association.
- uu. If there is any conflict between the Development Plan and the specific terms of this Ordinance, this Ordinance shall apply.
- vv. The zoning regulations found on pages 60-65 of the Narrative Report shall apply to and govern this project as zoning requirements and any modification of such requirements shall be made only through an

amendment to this Ordinance. Modifications of other portions of the Narrative Report may be made with Council approval.

- ww. Any site plan approved for the Town Center E-R parcel shall be consistent with the concept plan depicted on the "Morrison Ranch Master Plan – Town Center Conceptual Design" of the Narrative Report. The cumulative square footage of the buildings colored in pink shall not exceed a ground floor square footage of 250,000 square feet with no individual building exceeding 25,000 ground floor square feet. Building height shall be limited to two stories.
- xx. The uses allowed in the Town Center E-RGC parcels shall be limited to the following uses. Those uses designated with an asterisk (*) shall require a special use permit.

Public Uses.

Farmer's market and demonstration farms.

Garden plots and small crop farms and nurseries, including herbs and organic vegetables.

Craft shops, bakeries, specialty and boutique shopping.

Animal farms and petting zoos (scaled to the community)

Animal shelters and care facilities (scaled to the community).

Catering facilities and picnic areas.

Historic farm museum.

Concert and entertainment facilities (scaled to the neighborhood).*

Fine art open stage and open air performance areas (scaled to the community).*

Amphitheaters, arena and roping facilities and, outdoor festivals (scaled to the community).*

Arboretums and botanical gardens.

Commercial entertainment, amusement and recreation

Restaurants, food and beverage buildings and facilities.

Merchandise buildings and facilities (indoor and outdoor).

Outdoor amusement facilities, such as, but not limited to miniature golf courses, parks, playgrounds, bicycle rental facilities, boat rental facilities, hiking trails swimming pools, and sport facilities (scaled to the community).

Indoor amusement and theater facilities, such as, but not limited to, bowling alleys, arcades, skating rinks, recreation clubs, health clubs, and motion picture and virtual reality theaters.

Medical and professional services.

Personal services, such, but not limited to, barbershops, beauty salons, and day care facilities.

Business, financial, governmental, medical and professional offices, agencies and studios.

Business commercial establishments selling merchandise, food and beverages.

Cultural, educational, governmental, and social facilities including, but not limited to, museums, libraries, auditoriums, and tourist information centers.

- yy. The uses allowed in the Power Technology Park E-RGC parcels shall include the following uses:

Carry-out food service.

Convenience retail centers.

Hotel, motels, resorts.

Outdoor restaurant seating.

Outdoor retails sales.

Parking lots.

Residential hotels.

Restaurants.

Retail establishments.

- zz. All of the conditions and requirements of Ordinance No. 1129 shall remain in full force and effect, unless otherwise amended by the following conditions.

- aaa. The zoning for the Project shall be PAD (~~C-1, I-B, I-1, I-2, E-R, R1-43, R1-35, R1-20, R1-10, R1-8, R1-7, R1-5, R-3, PF/OSNC, CC, BP, LI, GC, SF-43, SF-35, SF-15, SF-10, SF-8, SF-7, SF-6, SF-D, MF-L, MF-M, PF/I~~) as illustrated in the Development Plan. Said Project shall be developed in conformance with the Town's zoning requirements for said districts, except as modified by these Conditions and the Development Plan.

Zoning	Minimum Building Setbacks			Maximum Lot Coverage
	Front	Side**	Rear**	
R1-5SF-D	15'/20'*	10'/10'	20'	45%
R1-7SF-6 & SF-7**** /**** */ *****	15'/20'	10'/10'	20'	45%
R1-8SF-8**** /**** */ *****	15'/20'	10'/10'	20'	45%
R1-10SF-10	25'/20'*** *****	10'/10'	20'	45%
R1-20SF-15	25'	20'/20'	35'	25%

R1-3 SF-35	30'	20'/20'	40'	30%
R1-4 3SF-43	30'	20'/20'	40'	35%

* Side entry garage units and non-garage projections shall provide a minimum front yard setback of fifteen (15') feet (~~R1-5~~SF-D). All street facing garages shall maintain a minimum of twenty (20') feet.

** All lots siding onto arterial streets or commercial uses shall maintain a minimum side yard setback of 15'.

*** There shall be a rear yard having a depth of not less than twenty-five (25') feet for single story and thirty-five (35') feet for two story when the rear yard is adjacent to an arterial street or commercial uses, unless adjacent to a landscape tract.

**** Up to 33% of the lots are permitted to have a fifteen (15') foot front yard setback for living quarter forward residences (~~R1-7~~SF-6, SF-7 and ~~R1~~SF-8, east of Higley Road only).

***** Up to 33% of the lots are permitted to have a minimum fifteen (15') foot front yard setback for side entry garage residences (~~R1~~SF-6, SF-7 and ~~R1~~SF-8, east of Higley Road only).

***** All lots (~~R1~~SF-6, SF-7 and ~~R1~~SF-8) on the west side of Higley Road shall have a minimum front yard setback of twenty (20') feet. The remaining lots (~~R1~~SF-6, SF-7 and ~~R1~~SF-8) on the east side of Higley Road shall have a minimum of a twenty (20') foot front yard setback.

***** All 124 standard size R1-10 lots of Higley Estates, as shown on Exhibit 2 (attached [to Ord. 1514]) are permitted to have 20' front yard setbacks.

bbb. Residential plats shall note the potential for objectionable aircraft noise on the plat and Title Report. Specifically, the plat and title shall note the following: "This property, due to its proximity to ~~Williams~~PHOENIX-MESA Gateway Airport, is likely to experience aircraft over flights, which could generate noise levels which may be of concern to some individuals."

ccc. The public report shall disclose the location of the Airport and potential aircraft over flights. The following statement shall be included in the public report: "This property, due to its proximity to ~~Williams~~PHOENIX-MESA Gateway Airport, is likely to experience aircraft over flights, which could generate noise levels which may be of concern to some individuals. The mix of air traffic consists of cargo, commercial, charter, corporate, general aviation, and military aircraft"

- ddd. Constructive knowledge of potential aircraft noise impacts shall be made available to future purchasers, mortgagees, renters, occupiers, and users of the property.
- eee. THE WARNER GROVES AT MORRISON RANCH SHALL BE DEVELOPED IN CONFORMANCE WITH GILBERT'S ZONING REQUIREMENTS FOR THE ZONING DISTRICTS AND ALL DEVELOPMENT SHALL COMPLY WITH THE TOWN OF GILBERT LAND DEVELOPMENT CODE, EXCEPT AS MODIFIED BY THE FOLLOWING:

WARNER GROVES AT MORRISON RANCH					
ZONING DISTRICT	MINIMUM LOT DIMENSIONS	SETBACKS			COVERAGE (%)
		FRONT	SIDE	REAR	
SF-10 PARCEL A	85' X 135'	25'	10'	30'	45/40
SF-8 PARCEL B	70' X 130'	20'	10'	25'	45/40
SF-7 PARCEL C	60' X 125'	20'	5' AND 10'	20'	45/40
SF-6 PARCEL D	50' X 120'	20'	5' AND 10'	20'	45/40

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.

Section IV. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

Ordinance No. _____

Page ____ of ____

PASSED AND ADOPTED by the Common Council of the Town of Gilbert,
Arizona, this ____ day of _____, 2013, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2013.

John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Michael E. Hamblin, Town Attorney

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE
COMMON COUNCIL OF THE TOWN OF GILBERT ON THE ____ DAY OF
_____, 2013, WAS POSTED IN FOUR PLACES ON THE ____ DAY OF
_____, 2013.

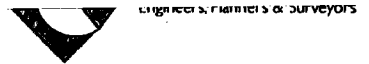
Catherine A. Templeton, Town Clerk

The following exhibits are attached hereto and incorporated herein:

Exhibit 1: Legal Description

Exhibit 2: Zoning Map

Exhibit 3: EXHIBIT 6 to the Morrison Ranch PAD Development Plan for Warner Groves at
Morrison Ranch PAD, dated August 1, 2013.



**Legal Description
Warner Groves Residential**

Job No. 13-012

May 10, 2013

A portion of the Southeast Quarter of Section 15, Township 1 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at a brass cap in a hand hole, at the southeast corner of said Section 15; thence S89°23'36"W (an assumed bearing), along the south line of the Southeast Quarter of said Section 15, for a distance of 2605.14 feet to a brass cap in a hand hole, at the south quarter corner of said Section 15; thence N00°21'55"W, along the west line of the Southeast Quarter of said Section 15, for a distance of 2635.11 feet to a ¾" pipe at the center of said Section 15; thence N89°26'42"E, along the north line of the Southeast Quarter of said Section 15, for a distance of 2599.72 feet to a flush brass cap at the East Quarter corner of said Section 15; thence S00°28'59"E, along the east line of the Southeast Quarter of said Section 15, for a distance of 2632.76 feet to the POINT OF BEGINNING;

EXCEPT the following:

A portion of the Southeast Quarter of Section 15, Township 1 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

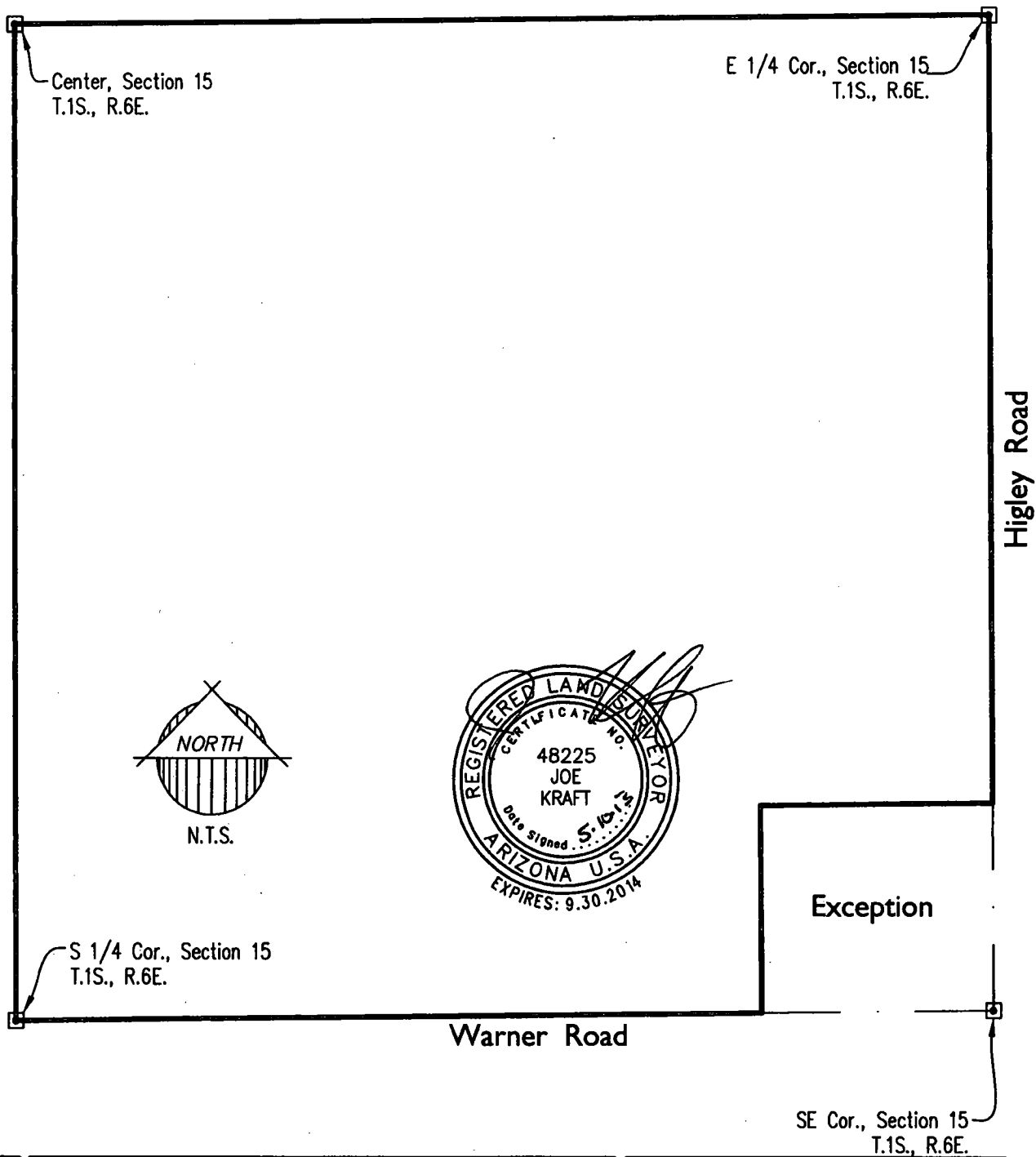
BEGINNING at a brass cap in a hand hole, at the southeast corner of said Section 15 from which a to a brass cap in a hand hole, at the south quarter corner of said Section 15 bears thence S89°23'36"W (an assumed bearing) for a distance of 2605.14 feet; thence S89°23'36"W, along the south line of the Southeast Quarter of said Section 15, for a distance of 620.02 feet; thence N00°36'24"W for a distance of 549.00 feet to a point on the north line of the south 549 feet of the Southeast Quarter of said Section 15; thence N89°23'36"E, along said north line, for a distance of 621.20 feet to a point on the east line of the Southeast Quarter of said Section 15; thence S00°28'59"E, along said east line, for a distance of 549.00 feet to the POINT OF BEGINNING;


An area containing 6,513,877 square feet or 149.5380 acres, more or less.



Ev: 9.30.14

**GP13-04 and Z13-07: Warner Groves
Attach. 8 - Legal Description - Exhibit 1
Ordinance (2 pp.)**



13-012	Project:	Warner Groves Residential	 Geps group, Inc. Engineers, Planners & Surveyors 2045 S. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 503-2250 Fax (480) 503-2258
	Exhibit		

Gross and Net Percent

Current Zoning Plan	Gross Acres	Net Acres
Parcel A	22.1%	22.5%
Parcel B	14.8%	15.5%
Parcel C	24.0%	23.9%
Parcel D	32.4%	31.2%
Parcel E	<u>6.7%</u>	<u>6.9%</u>
	100.0%	100.0%

Proposed Zoning Plan

Parcel A	22.1%	22.5%
Parcel B	18.0%	18.7%
Parcel C	22.2%	21.8%
Parcel D	<u>37.7%</u>	<u>37.0%</u>
	100.0%	100.0%

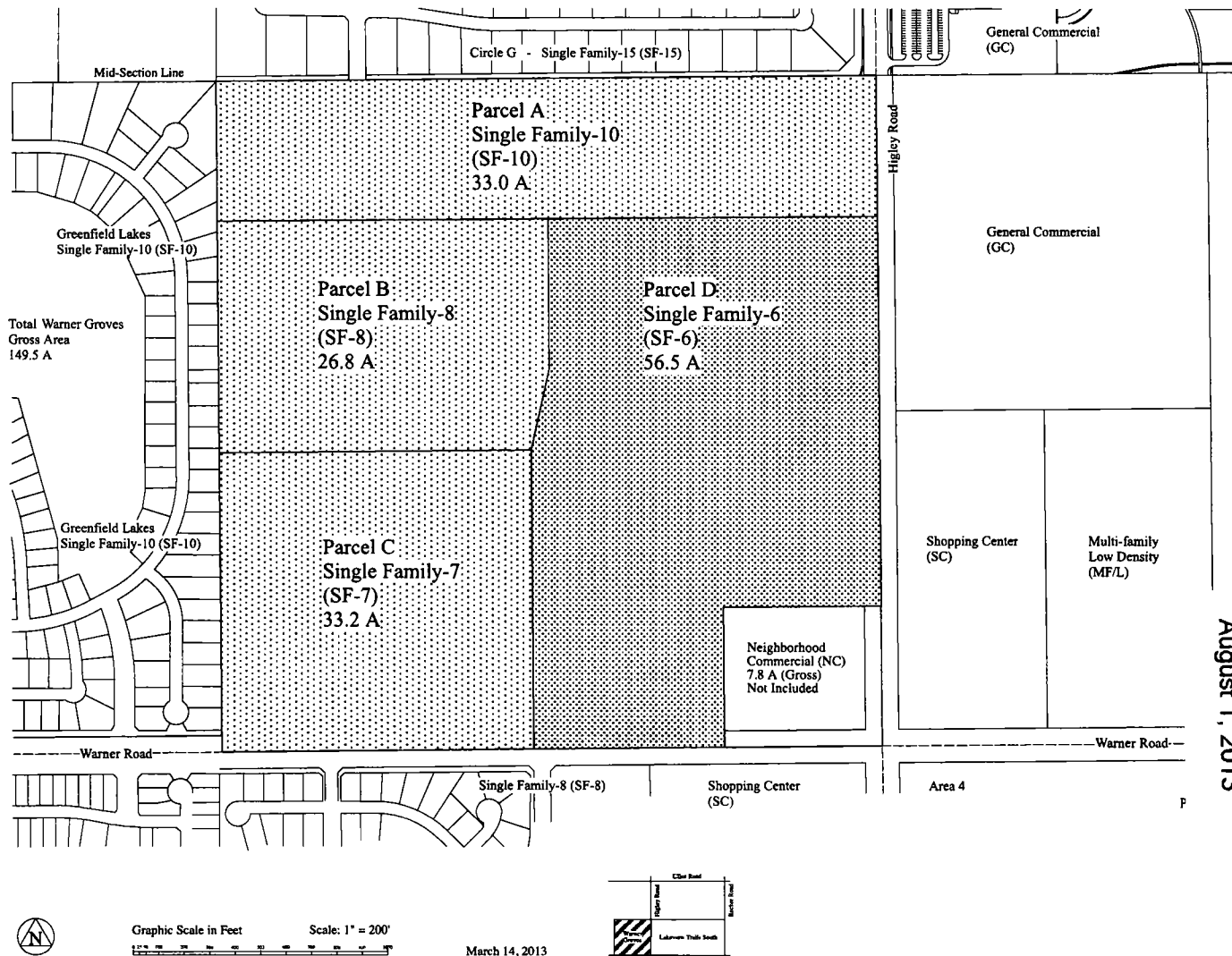
Gross and Net Acres

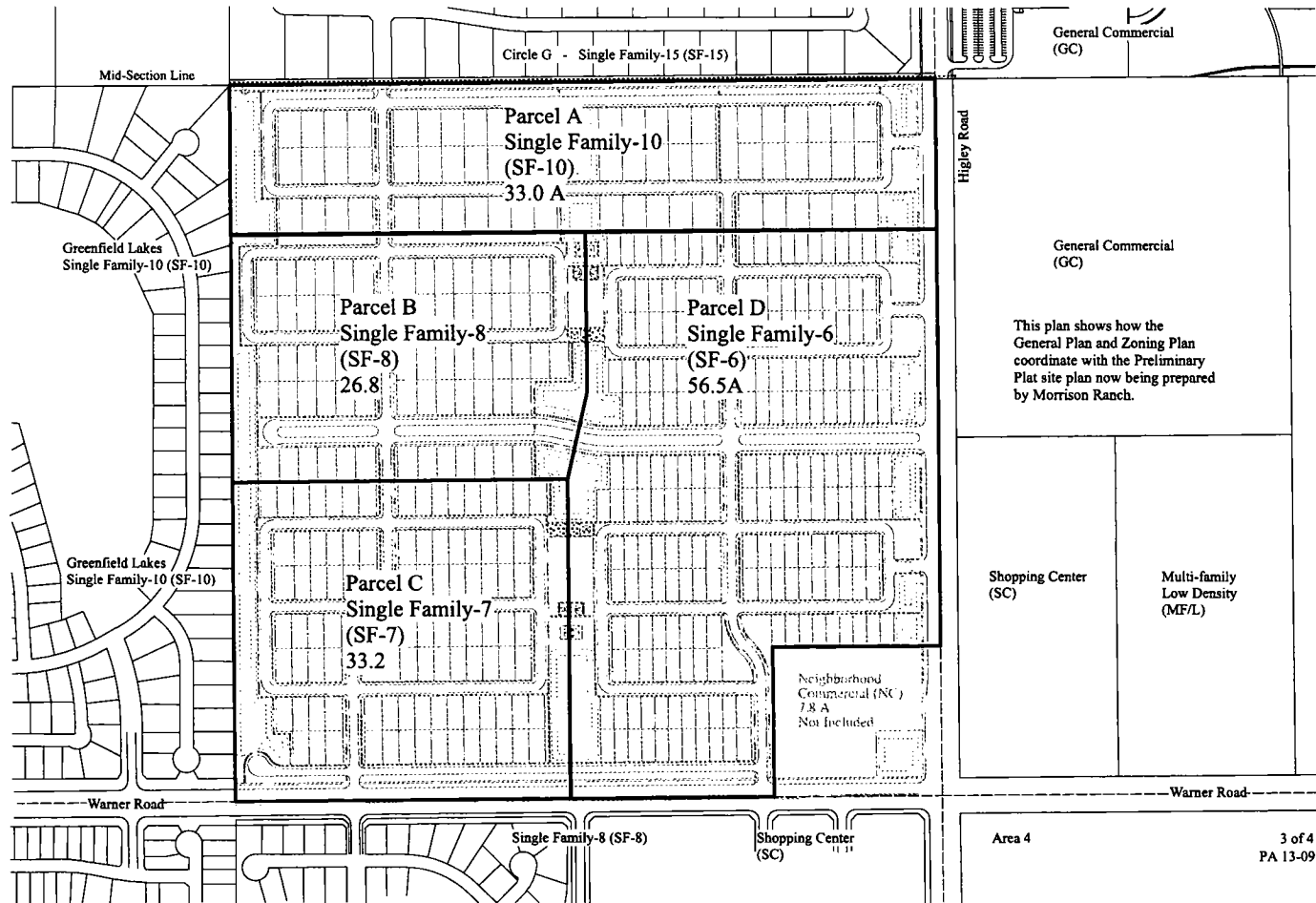
Current Zoning Plan	Gross Acres	Net Acres
Parcel A	33.0	32.1
Parcel B	22.1	22.1
Parcel C	35.9	34.2
Parcel D	48.5	44.6
Parcel E	<u>10.0</u>	<u>10.0</u>
	149.5	143.0

Proposed Zoning Plan

Parcel A	33.0	32.1
Parcel B	26.8	26.8
Parcel C	33.2	31.2
Parcel D	<u>56.5</u>	<u>52.9</u>
	149.5	143.0

Gross extends the area to the center of the arterial road.
 Net excludes the Gross Area right-of-way





Graphic Scale in Feet

Scale: 1" = 200'



March 14, 2013



Morrison Ranch Inc.
3180 East Elliot Road
Gilbert, AZ 85234

Attention: Mr. Scott Mc...

Case #: GP13-04 / Z13-07
Attachment 6: Draft Zoning Ordinance
Exhibit 3 - Development Plan Warner Groves
(Exhibit 6 of the Morrison Ranch PAD)
August 1, 2013

**TOWN OF GILBERT
PLANNING COMMISSION, REGULAR MEETING
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE, GILBERT ARIZONA
JULY 3, 2013**

COMMISSION PRESENT:

**Chairman Jennifer Wittmann
Vice Chairman Brigitte Peterson
Commissioner Joshua Oehler
Commissioner Anthony Bianchi
Commissioner Kristofer Sippel
Commissioner David Cavenee
Alternate Commissioner Khyll Powell**

COMMISSION ABSENT:

Commissioner Chad Fuller

STAFF PRESENT:

**Planning Services Manager Linda Edwards
Senior Planner Al Ward
Senior Planner Maria Cadavid
Planner Amy Temes**

ALSO PRESENT:

**Town Attorney Michael Hamlin
Town Attorney Phyllis Smiley
Recorder Margo Fry**

PLANNER	CASE	PAGE	VOTE
AL WARD	UP13-06	2	APPROVED
MARIA CADAVID	GP13-04	3	APPROVED
MARIA CADAVID	Z13-07	3	APPROVED
AL WARD	UP13-07	8	APPROVED

CALL TO ORDER:

Chairman Jennifer Wittmann called the meeting to order at 6:10 p.m.

ROLL CALL

Ms. Fry called roll and a quorum was determined to be present.

Planning Manager Linda Edwards noted that Commissioner Joshua Oehler would be joining the meeting via telephone.

APPROVAL OF AGENDA

**Planning Commission
Regular Meeting 7-3-13**

Chairman Wittmann requested a motion to approve the Agenda.

A motion was made by Vice Chairman Brigitte Peterson and seconded by Commissioner Kristofer Sippel to approve the agenda.

Motion carried 6 - 0

COMMUNICATIONS FROM CITIZENS

At this time members of the public can comment on items not on the agenda. The Commission's response is limited to responding to criticism, asking staff to review a matter commented upon or asking that the matter be put on a future agenda.

Chairman Wittmann opened the public hearing and asked if there was anyone present who wished to speak under those terms. There was no response.

PUBLIC HEARING (CONSENT)

- A. GP13-04: REQUEST FOR A MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 150 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WARNER AND HIGLEY ROADS FROM PUBLIC FACILITY INSTITUTIONAL (PF/I) AND RESIDENTIAL >3.5 - 5 DU/AC LAND USE CLASSIFICATIONS TO RESIDENTIAL >2-3.5 DU/AC AND RESIDENTIAL >3.5 - 5 DU/ AC LAND USE CLASSIFICATIONS, AND;**
- B. Z13-07: A REQUEST TO AMEND THE MORRISON RANCH PLANNED AREA DEVELOPMENT (PAD) ZONING MAP AND THE DEVELOPMENT STANDARDS BY AMENDING ORDINANCES NOS. 1129, 1232, 1514, 1602, 1705, 1961, 2219 AND 2295 BY REZONING APPROXIMATELY 150 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF HIGLEY AND WARNER ROADS.**

Senior Planner Maria Cadavid referred to the following chart from page 3 of the staff report:

	<i>Proposed Project</i>
Gross Site Area	+/- 150 acres
Existing Land Uses:	Residential >3.5-5 DU/Ac. (Parcel A) and Public Facility Institutional (PF/I).
Proposed Land Uses:	Residential 2-3.5 DU/Ac (Parcel A) and Residential 3.5-5 DU/Ac (Parcel B).
Existing Zoning:	Single Family-10 (SF-10), Single Family-8 (SF-8), Single Family-7 (SF-7), Single Family-6 (SF-6) and Public Facility Institutional (PF/I) with a PAD overlay.
Proposed Zoning :	Single Family-10 (SF-10), Single Family-8 (SF-8), Single Family-7 (SF-7) and Single Family-6 (SF-6) with a PAD overlay.

Ms. Cadavid stated that the Gilbert School District issued a letter to the applicant dated February 5, 2013 stating that the District will not be building a school facility on this site. The Minor General Plan Amendment consists of

creating a new land use classification of approximately 90 acres with a lower density, 2-.3.5, and reducing the 3.5 – 52 approximately 50 acres to make up the 150 acres. Ms. Cadavid said that in terms of the rezoning there is large portion to the North abutting the Circle G Development which is low density residential, SF – 15 that remains untouched and unchanged. There are SF-7 large lots to the west with single story homes in a gated community. The smaller SF-6 lots will be fronting and facing Higley and Recker Roads. In addition to the boundary adjustments there are a number of deviations. The applicant is requesting to enlarge the depth of all the lots in the SF-8, SF-7 and SF-6. The other amendment is to reduce the width of the SF-7 lots by 5', however the lots are bigger. They are also requesting the 5% increase of lot coverage in all the districts proposed. Staff's position on that item is to increase by 5% but only for Open Air Structures. The applicant states that his preference is to have the 5% on the building footprint but not to double dip or benefit from the 5% for Open Air Structures. Planner Cadavid displayed the site plan and pointed out the current zoning districts. She indicated an exhibit that was requested by Commissioner Oehler at the previous meeting where he wished to see in the SF-7, 60X25, how they will look on the plot plan and what the visual effect would be on the street scape by having reduced the lot widths by 5', observing the setbacks that the LDC requires for the SF-7. Planner Cadavid displayed another exhibit that was provided by the applicant which gave the dimensions from the property line to the different widths of the north/south greenbelt along the west boundary of the property. She noted that the greenbelt was the narrowest on the property at 103'. The widest greenbelt would be 179' feet to the west and should respond to any concerns that the neighbors to the west may have. There had been a few calls from those neighbors who wished to know why the Planning Commission meeting was being held the day before a holiday when people are gone on vacation. Other concerns were with the configurations of the lots as well as concern that the existing wall may be compromised with the continuous watering of the green belt. Planner Cadavid said that staff maintained their position of support for the General Plan Amendment as well as the rezoning case.

Chairman Wittmann invited the applicant to come forward.

Scott Morrison, Gilbert Arizona came forward. Mr. Morrison stated that this would be the next to the last single-family subdivision that the Morrison's would be doing. He commented that they are continuing on with very much the same design and theme that they have been doing all along. The site does take out the school site because the school district asked them to give them the land for a bus barn facility east of the location instead of at the school site. That happened some time ago and the school district no longer wants the school site. Mr. Morrison said that they are asking for some deviations, some side yard setbacks, from their original Ordinance 1198 that happened in 1998 down to straight zoning of the Land Development Code (LDC) as it now is, not anything less than that for setbacks in any direction. In terms of the lot coverage request, that request came before they were aware of the 5% open air space that was in the works. Mr. Morrison said he was requesting that they have the total lot coverage go up from 40' on two story to 45' and 45' to 50' on one story. However, that would be the total and they would step out the open space extra 5% that is about to be approved by the Town Council. The Morrison's require the builders to have the vast majority of homes in Morrison ranch to have front porches and they virtually all have back porches so it may in fact be that for 90% of the homes the result will be exactly the same as the 5% Open Air Structure space that is about to be approved. If the Planning Commission says that what they want to approve instead is the straight lot coverage with that open space that would be okay. However, the actual request is that they go to 45 ft. and 50 ft. with the stipulation that they do not use the Open Air Structure on top of that. Mr. Morrison said that they have had neighbors concerned at the meetings about two-story houses at the west edge and that they think that the dimensions here indicate that is not a concern. Obviously the day the subdivision is built the trees will not be the size that are described in the presentation but in as short as 5 years they will be and there really won't be any visual path from any windows to the existing neighbors. In the meantime there will be a minimum of 103 feet between lot lines and something closer 150 feet wall-to-wall to the houses and in the most extreme case 179 feet between lot lines. In terms of the back wall they will make every reasonable attempt to not impact that wall. They will put in spray heads that only spray away from the wall and will have all mainlines at least 8 feet away from the wall so if there was a mainline fail any potential flooding that came from that would not be against that wall and cause it to fail. Mr. Morrison said that they think that the wall will be safe and that the two-story houses were not an issue. They have the same approximately 20% open space that Morrison ranch is known for and the connectivity of the trail at the north edge will go all the way across into the next project. The central trail space continues to be a feature since

Planning Commission
Regular Meeting 7-3-13

1998.

Commissioner Cavenee stated that in terms of the 5% open air issue it was mentioned earlier that it does take away the flexibility from the homeowner to ever at any point add a pool or Ramada or any other personal intended feature like that. He asked if that was a concern for the applicant.

Mr. Morrison said that it was not a concern for Morrison Ranch. He said that the lots have gotten considerably deeper over the years and they are providing up to 135' depth in the extreme in the SF - 10. They believe that there is option enough. He said essentially they came up with the notion that their limit was the same as the Town's limit, it is just going to be slightly different than actually measuring the open air structures deal if they get their way, and they will measure the Open Air Structure if they go the way that the Town is moving forward on most cases. Mr. Morrison said that he honestly thinks that the outcome is going to be indistinguishable because 90% of the houses will have front porches and back porches on them and that will make up more than 5% of the total footprint of the house and they will be talking about the same thing.

Chairman Wittmann said that she had a question for legal counsel. She said that staff and the applicant had brought up the Open Air Structure and asked if it was within the Commissions purview to stipulate against the ability to use Open Air Structure. She also asked if the Open Air Structure is an automatic right.

Town Attorney Phyllis Smiley said that she believed it was an automatic right; however, they could modify that just as they can modify setbacks.

Chairman Wittmann said that if they approve the increase in the lot coverage that they could deny them any future rights to use the Open Air Structure on those lots.

Ms. Smiley said that she would have to look into that.

Commissioner Powell said that when the Planning Commission reviewed the text for the Open Air Structure they thought it was important to remember the intent. The intent was, because in the past the lots were so small that people really couldn't add amenities, so the Town came up with the text to enable the homeowner to have that option. Commissioner Powell said that he would be wary of allowing developers to automatically assume that right just as they were currently discussing because that violates the intent. The intent was to enable the homeowners to have the option and not to grant an additional 5% of lot coverage automatically to builders. He cautioned the Commission to keep that in mind as they developed discussions on the issue.

Chairman Wittmann said that the Open Air Structure change that was made does not differentiate between developers versus homeowner so anyone can take advantage of that. There are two different ways of looking at it. For the increased lot coverage it is covered and usable square footage that isn't considered open air so that would be extending the footprint of the home in addition to the open air structures which are solely identified and used for open air structures. They co- mingle with each other in some terms. She said that she did not think that they could differentiate between who gets to use the Open Air Structure once it is effective, it is just a use by right.

Commissioner Powell said that was a good point and that that was the conundrum. That is where you have to guard the intent of certain things from the very beginning because if they are held to the letter of law, which he endorsed, if they establish patterns going forward then they take the option away from the homeowner in the future because it has now been absorbed.

Mr. Morrison stated that he did not know if they had the flexibility to go to Town Council still figuring out the lot coverage question. If they do they can go forward in the next few weeks figuring out the right way to do that and what the Council wants to do. He said if they were hung up at the current meeting because they weren't sure which way to do it would be his preference to go with the new plan rather than lose a month in the process of researching

something.

Chairman Wittmann closed the public hearing.

Commissioner Bianchi said in terms of stipulations were they stipulating that the additional 5% coverage increase would be for Open Air Structure per the ordinance. Is that what the applicant is agreeing to?

Chairman Wittmann said that she took away two different perceptions from the discussion from the applicant, one being that he would like everything if the Commission would like to give him it but if they were hung up on the increase in lot coverage he was willing to accept the Open Air Structure which is already part of code. They would then have to deny the portion of the request for the increased lot coverage if they were to move in that direction.

Commissioner Cavenee said that his preference would be to not set precedence right when it is about to be approved and to stick with what they had already established as it sounds as though the applicant could live with that as well. He said that he commended the applicant on all the other features that he described particularly how they will treat the adjacent property lines with the landscape setbacks etc.

Commissioner Powell asked for clarification as to exactly what they would be voting for.

Chairman Wittmann said that if they were to cast a vote today to approve the request as provided in the staff report it would allow the applicant to have an increase in lot coverage and they would also be, by right, once the code goes into effect, able to use the Open Air Structure. Not that they necessarily would but they would be allowed to utilize both. If there is a question about lot coverage they could recommend denial for the portion of the lot coverage increase requested by the applicant and the applicant would then just utilize the Open Air Structure provision in the code once it goes into effect.

Mr. Morrison asked to speak again.

Chairman Wittmann stated that the public hearing had been closed.

Planning Manager Edwards interjected that the Chair had the purview to bring back who they needed to for conversation by way of reopening the public hearing.

Mr. Morrison said that "having it all" as described was not quite what they were after. He said that they actually do not want in any way to have 55% lot coverage of anything. The 45' and 50' with the stipulation, which sounded like it might be possible, that the Open Air Structure will not apply would be acceptable so that the most that they would have is the 45' and the 50' all things concluded, or the straight 40" and 45" with the Open Air Structure. Mr. Morrison stressed that he did not want the right for the builders to come in and utilize both of those on top of each other.

Chairman Wittmann asked if Mr. Morrison understood that with the Open Air Structure that doesn't allow an increase in lot coverage for livable area of the home.

Mr. Morrison said that he did understand that and as they are going to require front porches it is essentially going to come out to be the same thing.

Chairman Wittmann said that she did not know if it pertained to front porches or if it was only to rear porches.

Commissioner Bianchi asked if the deviations had been granted before throughout Morrison Ranch or if this was a new request.

Planner Cadavid stated that this is the first time that this request for the additional 5% has been made.

Planning Manager Edwards read from the recently approved Open Air Ordinance the three definitions; An open air accessory structure, open air attached patio and open air porch. She said that what she thinks the Morrison family is asking for is lot coverage that includes all of that and the principal structures.

Chairman Wittmann closed the public hearing. She stated that with the direction provided by the applicant and the applicant being comfortable with utilizing the Open Air Structure code amendment it would be her preference to deny the portion of the request that the applicant is asking for related to the increase in lot coverage and let them utilize the code amendment that will be in effect almost immediately. She said that she was not sure how they could legally restrict rights to by right uses in the code.

Vice Chairman Peterson said that she agreed with the Chairman. She said that she was comfortable with the Open Air Structure option in this case and denying the request for the lot coverage increase.

Commissioner Bianchi stated that he would be most comfortable with the straight 40% to 45% with the 5% Open Air Structure as well.

Commissioner Powell said that he agreed with Commissioner Bianchi and noted that Morrison Ranch has built a great product in the past and has been successful because it's a better quality product with a very attractive environment around it. He said that when talking about the portion of the Open Air Structure language addressing porches it wasn't there before but yet there were porches built on the houses. Front porches get built on the houses regardless of whether they have the Open Air Structure or not. He said that he believed the intent of the language was to allow people who didn't have a house with the front porch to add a front porch. With that in mind Morrison Ranch can continue to build wonderful products with front porches without necessarily having to step into the 5% as well. Suppose a custom home developer wanted to build a product that had detached features and at that time they may very well want to exercise that right to use some of the 5%. He said he guessed that it was there for the builder to use and really does need some further explanation to move forward.

Vice Chairman Peterson said that one of the things that they discussed when discussing Open Air Structures was the fact that if it was available for developers to use if they wanted to offer different products along with their homes in the construction process or/and if it was available for residents to use to come back again after the product was built and say they wanted to add an option. It is both; it covers everything.

Commissioner Powell said that he thought that is what it was for, to allow developers to build detached structures that were attractive as part of their product but not necessarily attached to their product at the time that they were building it.

Vice Chairman Peterson said that the way that it passed Town Council it looked as though all three were options, attached and detached.

Commissioner Cavenee said that he concurred with the Chairman's outline and commended the rest of the proposals as he thought they were all in line and that it was a wonderfully designed project.

A motion was made by Vice Chairman Brigitte Peterson and seconded by Commissioner David Cavenee to recommend to the Town Council approval of GP 13 – 04, a Minor General Plan Amendment to change the land use classification for approximately 150 acres of real property generally located at the northwest corner of Warner and Higley Roads from Public Facility Institutional (PF/I) and Residential >3.5 – 5 DU/Ac land use classifications to Residential >2-3.5 DU/Ac and Residential >3.5 – 5 DU/ Ac land use classifications.

Motion carried 6 – 0

Planning Commission
Regular Meeting 7-3-13

A motion was made by Vice Chairman Brigitte Peterson and seconded by Commission Khyl Powell that for the following reasons: the development proposal conforms to the intent of the general plan and can be coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z13-07, A Request to rezone approximately 150 acres of real property generally located at the northwest corner of Higley and Warner Roads in the Morrison Ranch Planned Area Development (PAD) from Public Facility Institutional (PF/I), Single Family-10 (SF-10), Single Family-8 (SF-8), Single Family-7 (SF-7) and Single Family-6 (SF-6) with a PAD to Single Family-10, Single Family-8 (SF-8), Single Family-7 (SF-7) and Single Family-6 (SF-6) zoning districts and amend the development standards, subject to the stipulations provided in the staff report, deleting the lot coverage increase.

Motion carried 6 – 0

STAFF RECOMMENDATION Recommend to the Town Council approval of GP13-04, a minor General Plan amendment to change the land use classification FOR APPROXIMATELY 150 ACRES OF REAL PROPERTY GENERALLY LOCATED at the northwest corner of Warner and Higley Roads from Public Facility Institutional (PF/I) and Residential >3.5 – 5 DU/Ac land use classifications to Residential >2-3.5 DU/Ac and Residential >3.5 – 5 DU/ Ac land use classifications, and;

For the following reasons: the development proposal conforms to the intent of the general plan and can be coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the planning commission moves to recommend approval to the town council for Z13-07, a Request to rezone approximately 150 acres of real property generally located at the northwest corner of Higley and Warner Roads in the Morrison Ranch Planned Area Development (PAD) from Public Facility Institutional (PF/I), Single Family-10 (SF-10), Single Family-8 (SF-8), Single Family-7 (SF-7) and Single Family-6 (SF-6) with a PAD to Single Family-10, Single Family-8 (SF-8), Single Family-7 (SF-7) and Single Family-6 (SF-6) zoning districts and amend the development standards, subject to the following conditions:

1. The development shall be in substantial conformance with the Development Plan for the Warner Groves at Morrison Ranch, dated July 3, 2013.
2. The Warner Groves at Morrison Ranch development shall be developed in conformance with the Town's zoning requirements for the Single Family-10 (SF-10), Single Family-8 (SF-8), Single Family-7 (SF-7) and Single Family-6 (SF-6) zoning districts and all development shall comply with the Town of Gilbert Land Development Code except as modified by the following:

Warner Groves at Morrison Ranch					
Zoning District	Lot Dimensions	Setbacks			Coverage (%)**
		Front	Side	Rear	One/Two-Story
Single Family-10 (SF-10) Parcel A	85' x 135'	25'	10'	30'	45'/40'
Single Family-8 (SF-8) Parcel B	70'* x 130'	20'	10'	25'	45'/40'
Single Family-7 (SF-7) Parcel C	60' x 125'	20'	5' & 10'	20'	45'/40'
Single Family-6 (SF-6) Parcel D	50'* x 120'	20	5'&10'	20'	45'/40'

Planning Commission
Regular Meeting 7-3-13

***Minimum width for lots in the SF-7 and SF-6 districts was approved with original ordinance No. 1129 (Z98-13).**

****Additional 5% for open air structures only per ordinance No. 2433 in effect on July 6, 2013.**

reviewed by the Gilbert Police Department and was found to be satisfactory. Planner Ward indicated the floor plan and explained how the flow of traffic would be handled. There is no consumption of the product at the site and none of the product will be grown at the site. The applicant has indicated that there will never be more than 2 or 3 pounds of the product at the site at any given time. Staff is recommending approval as the request has met the Use Permit criteria.

Commissioner Cavenee asked if the modular building had a foundation such as footings etc.

Planner Ward said that the building will be built specifically for the site and will be moved on to the site. It is at grade level and will be located on a permanent foundation.

Commissioner Cavenee said that his concern was that the land use regulations specifically state that it cannot be a temporary building.

Planner Ward said that this would be permanent construction. The Design Review Board does recognize modular buildings as permanent structures as long as their exterior is designed to be compatible with adjacent surrounding buildings.

Commissioner Cavenee said he believed the intent for a permanent structure was so they did not come and go. He said that he noticed a section in the regulations where it says that "they shall not sell

ADMINISTRATIVE ITEM

Minutes – Study Session and Regular Meeting Minutes for June 5, 2013.

A motion was made by Commissioner Anthony Bianchi and seconded by Vice Chairman Brigitte Peterson to approve the Study Session and Regular Meeting Minutes of June 5, 2013 with the following changes; on page 2 and 3 of the Study Session it states Chairman Fuller and the word CHAW should be CHAAA throughout the minutes.

Motion carried 5 – 0

Chairman Wittmann abstained from the vote due to absence from the meeting.

Chairman Wittmann welcomed Commissioner Oehler to the meeting.

COMMUNICATIONS

Report from the Chairman and Members of the Commission on current events.

Chairman Wittmann commented that David Cavenee and Khyll Powell had been appointed to the Planning Commission and congratulated them.

Vice Chairman Peterson said that on Saturday, July 20 from 9:30 to 11:30 AM at 50 Civic Center Dr. in room 300 there would be a New Resident Social.

Report from Council Liaison

No report was given

Planning Commission
Regular Meeting 7-3-13

Report from the Planning & Development Services Manager on current events.

Planning Manager Linda Edwards reported that 197 to Single-Family Permits were issued for the month of June, 2013. Miss Edwards noted that many of them were wearing purple ribbons to signify their support for the firefighters who were lost and those that were still working hard to put out the fire. The fire in the sky Fourth of July event would be held from 6 PM to 9 PM at Central Christian Church on July 4. At Town Council the Bridges rezoning was approved along with TH Ranch. Miss Edwards commented that there is a new Heritage District telephone App and on the App is a page for product status and the Town has listed some of their new projects that will be breaking ground very soon.

ADJOURNMENT

Chairman Wittmann adjourned the meeting at 7:30 p.m.

Chairman Jennifer Wittmann

ATTEST:

Recorder Margo Fry